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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	CASE NO. 2:13-cr-00018-JCM-GWF
)	
Plaintiff,)	EX PARTE MOTION FOR ORDER TO
)	DISCLOSE THE FINANCIAL
v.)	AFFIDAVIT OF DEFENDANT DAVID
)	BALL
DAVID BALL)	
)	UNDER SEAL
Defendant.)	

On January 15, 2013, a grand jury sitting in the District of Nevada returned an indictment against Defendant David Ball which alleged that he participated in a massive conspiracy to take over homeowners' associations ("HOAs") in the Las Vegas area and award certain HOA legal and construction work to co-conspirators. (Doc. No. 1.) Defendant Ball was charged with one count of conspiracy to commit wire and mail fraud and one count of mail fraud. (*Id.*) The next day, Defendant Ball signed, submitted, and attested to a financial affidavit, upon which the Court relied when it appointed CJA counsel to represent Defendant Ball. (Doc. No. 42.)

On January 29, 2014, investigators interviewed Defendant Ball's wife, Eleanor Ball. Ms. Ball told investigators that the evening of Defendant Ball's initial appearance (i.e. January 16, 2013), an officer of Pre-Trial Services called Ms. Ball to verify certain information previously provided by Defendant Ball. Ms. Ball told the Pre-Trial officer, *inter alia*, that to her knowledge

1 Defendant Ball was employed at Eldorado Resorts Company in real estate sales. When
2 Defendant Ball arrived home that same evening, Ms. Ball told Defendant Ball about what she
3 told Pre-Trial Services, Defendant Ball became angry and said "I will lose my free lawyer." The
4 next morning, Defendant Ball called Pre-Trial Services and told them that Ms. Ball's statements
5 about his employment were incorrect.

6 Ms. Ball also informed the investigators that Defendant Ball had received significant
7 benefits from the Department of Veterans Affairs before and after his indictment, including a
8 \$34,000 lump sum payment in October 2013. Ms. Ball did not believe Defendant Ball had
9 reported this change in financial circumstances to the Court, and believed he may have concealed
10 these payments from Pre-Trial Services altogether.

11 In view of this evidence, the United States believes that there is reason to believe that
12 Defendant Ball lied on the financial disclosure that he provided to the Court and respectfully
13 moves that the Court order United States Pretrial Services and the Office of the Clerk of Court to
14 disclose to the undersigned Trial Attorney (1) Defendant Ball's financial affidavit and (2) any
15 records of conversations with Defendant Ball and/or Ms. Ball from January 2013. The United
16 submits this request *ex parte* because it pertains to an ongoing criminal investigation

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18 DATED: February 5, 2014

19 Respectfully submitted,

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21 JEFFREY KNOX
22 Chief, U.S. Department of Justice
23 Fraud Section, Criminal Division

24 /s/ Thomas B.W. Hall
25 THOMAS B.W. HALL
26 Trial Attorney, U.S. Department of Justice
Criminal Division, Fraud Section